

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE: **DeAngelis Borrego Duran**

Case No.

Debtor(s)

Chapter 13 Proceeding

☐ AMENDED    ☐ MODIFIED  
**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be \$340.00 Monthly, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$20,400.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 6% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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**DEBTOR(S)' CHAPTER 13 PLAN  
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Continuation Sheet # 1

## II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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## III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

## IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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**UNITED STATES BANKRUPTCY COURT  
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Continuation Sheet # 2

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on \_\_\_\_\_."*

Debtor

Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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**VI. Specific Treatment for Payment of Allowed Claims****1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

**A.** Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Citimortgage Inc Homestead - 14576 Desierto Bello Ave	Direct pay by x-husband	\$82,174.00	\$803.00
El Paso Tax Assessor-Collector Homestead - 14576 Desierto Bello	Thru 2011	\$1,994.65	

**B.** Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

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**DEBTOR(S)' CHAPTER 13 PLAN  
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Continuation Sheet # 3

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS****A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums disbursed, except on any funds returned to the Debtor. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
US Bankruptcy Court	\$259.00	Along With	
Watson & Maynez, P.C.	\$3,200.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks

**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Gvt Emp Cu 2003 Honda Pilot	\$3,743.00	\$6,000.00	Pro-Rata	5.25%	\$4,044.29	
Gvt Emp Cu 2003 Honda Pilot	\$1,966.00	\$2,257.00	Pro-Rata	5.25%	\$2,124.27	X-Coll with 2003 Pilot
Hsbc/rmstr Household goods	\$892.00	\$892.00	Pro-Rata	5.25%	\$963.82	

**UNITED STATES BANKRUPTCY COURT  
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IN RE: **DeAngelis Borrego Duran**

Case No.

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Chapter 13 Proceeding

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**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Continuation Sheet # 4

**F.** General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 6% of their allowed claims.

Creditor	Estimated Debt	Remarks
Acs/dept Of Ed	\$0.00	
Bank Of America	\$4,336.00	
Capital One, N.a.	\$496.00	
Central Financial Control	\$0.00	
Chase	\$2,794.00	
Citi	\$1,651.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citi/stdnt Ln Rsrc Cnt	\$1.00	
Citibank Sd, Na	\$1,214.00	
Dept Of Education/neln	\$0.00	
Dfas-cl Indianapolis	\$32,503.00	
DSRM National Bank/Diamond Shamrock	\$0.00	
Gemb/walmart	\$0.00	
Harley Davidson Financial	\$0.00	
Kay Jewelers	\$0.00	
Sun Orthodontix	\$749.00	
Us Dept Of Ed/glelsi	\$12,500.00	
Us Dept Of Ed/glelsi	\$12,500.00	
Us Dept Of Ed/glelsi	\$10,500.00	
Usded/glelsi	\$12,500.00	
Usded/glelsi	\$10,500.00	
Usdoe/glelsi	\$12,500.00	
Wells Fargo Card Ser	\$6,875.00	
Wfnnb/New York & Compa	\$557.00	

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
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IN RE: **DeAngelis Borrego Duran**

Case No.

Debtor(s)

Chapter 13 Proceeding

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**DEBTOR(S)' CHAPTER 13 PLAN  
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

Continuation Sheet # 5

**Totals:**

Administrative Claims	<u>\$3,459.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$6,601.00</u>
Unsecured Claims	<u>\$122,181.00</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**Agreed Orders**

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

**Disposable Earnings**

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**Authorization to send monthly bills**

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

**Certain Pre-Confirmation Disbursements**

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE: **DeAngelis Borrego Duran**

Case No.

Debtor(s)

Chapter 13 Proceeding

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**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Continuation Sheet # 6*

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**Misfiled and Unfiled Creditors Paid Accordingly**

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 7.75% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

**Notice of Fees, Expenses, and Charges**

The holder of the mortgage claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice itemizing all fees, expenses, or charges (i) that were incurred in connection with the claim after the bankruptcy case was filed, and (ii) that the holder asserts are recoverable against the debtor's principal residence. The notice shall be served within 180 days after the date on which the fees, expenses, or charges are incurred.

Respectfully submitted this date: 9/14/2011.

**/s/ Matt Watson**

Matt Watson  
1123 E. Rio Grande  
El Paso, Texas 79902  
Phone: (915) 562-4357 / Fax: (866) 201-0967  
(Attorney for Debtor)

**/s/ DeAngelis Borrego Duran**

DeAngelis Borrego Duran  
865 Fragrant Ash  
El Paso, TX 79907  
(Debtor)

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: DeAngelis Borrego Duran

*Debtor*

CASE NO.

CHAPTER **13**

*Joint Debtor*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on September 14, 2011, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ Matt Watson**

Matt Watson  
Bar ID:24028878  
Watson and Maynez, P.C.  
1123 E. Rio Grande  
El Paso, Texas 79902  
(915) 562-4357

Acs/dept Of Ed  
xxxxxx6051  
C/o Acs  
Utica, NY 13501

Chase  
xxxxxxxxxxxx1615  
201 N. Walnut St//de1-1027  
Wilmington, DE 19801

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0524  
99 Garnsey Rd  
Pittsford, NY 14534

Bank Of America  
xxxxxxxxxxxx3590  
Po Box 17054  
Wilmington, DE 19850

Citi  
xxxxxxxxxxxx2967  
PO Box 6241  
Sioux Falls, SD 57117

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0522  
99 Garnsey Rd  
Pittsford, NY 14534

Capital One, N.a.  
xxxxxxxxxxxx6918  
Capital One Bank (USA) N.A.  
PO Box 30285  
Salt Lake City, UT 84130

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0520  
99 Garnsey Rd  
Pittsford, NY 14534

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0523  
99 Garnsey Rd  
Pittsford, NY 14534

Central Financial Control  
xxxxx6885  
Attn: Bankruptcy  
PO Box 66044  
Anaheim, CA 92806

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0525  
99 Garnsey Rd  
Pittsford, NY 14534

Citi/stdnt Ln Rsrc Cnt  
xxxxxxx0521  
99 Garnsey Rd  
Pittsford, NY 14534

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **DeAngelis Borrego Duran**  
*Debtor*

CASE NO.

\_\_\_\_\_  
*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

Citibank Sd, Na  
xxxxxxxxxxxx8881  
Attn: Centralized Bankruptcy  
PO Box 20507  
Kansas City, MO 64195

Gemb/walmart  
xxxxxxxxxxxx2678  
Po Box 981400  
El Paso, TX 79998

Stuart C. Cox  
Chapter 13 Trustee,  
1760 North Lee Trevino Dr.  
El Paso, TX 79936

Citimortgage Inc  
xxxxxx9426  
Po Box 9438  
Gaithersburg, MD 20898

Gvt Emp Cu  
xxxxxxx2740  
Po Box 20998  
El Paso, TX 79998

Stuart C. Cox, Trustee  
1760 North Lee Trevino  
El Paso, TX 79936

DeAngelis Borrego Duran  
8551 Euphrates  
El Paso, TX 79907

Gvt Emp Cu  
xxxxxxxxxxx5552  
7227 Viscount Blvd  
El Paso, TX 79925

Sun Orthodontix  
7500 N. Mesa Suite 304  
El Paso, TX 79912

Dept Of Education/neln  
xxxxxxxxxxx1724  
121 S 13th St  
Lincoln, NE 68508

Harley Davidson Financial  
xxxxxxxxxxx9426  
222 W Adams  
Chicago, IL 60606

US Bankruptcy Court  
8515 Lockheed Dr.  
El Paso, TX 79925-1218

Dfas-cl Indianapolis  
xxxxx8605  
Attn: Customer Service Dept 3300  
8899 E 56 St  
Indianapolis, IN 46249

Hsbc/rmstr  
xxxxxxxxxxx0079  
Po Box 15524  
Wilmington, DE 19850

Us Dept Of Ed/glelsi  
xxxxx8581  
2401 International  
Madison, WI 53704

DSRM National Bank/Diamond  
Shamrock  
xxxxxxxxxxx0000  
PO Box 300  
Amarillo, TX 79105

Kay Jewelers  
xxxxxx9455  
375 Ghent Rd  
Fairlawn, OH 44333

Us Dept Of Ed/glelsi  
xxxxx1577  
2401 International  
Madison, WI 53704

El Paso Tax Assessor-Collector  
2 Civic Center Plaza, RM 123A  
El Paso, Texas 79901

LINEBARGER GOGGAN BLAIR &  
SAMPSON L.L.P.  
711 NAVARRO, STE. 300  
SAN ANTONIO, TX 78205

Us Dept Of Ed/glelsi  
xxxxx0577  
2401 International  
Madison, WI 53704

10  
**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **DeAngelis Borrego Duran**

*Debtor*

CASE NO.

CHAPTER **13**

*Joint Debtor*

**CERTIFICATE OF SERVICE**

(Continuation Sheet #2)

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Usded/glelsi  
xxxxxxxxxxx1577  
2401 International  
Madison, WI 53704

Usded/glelsi  
xxxxxxxxxxx0577  
2401 International  
Madison, WI 53704

Usdoe/glelsi  
xxxxxxxxxxx8581  
2401 International  
Madison, WI 53704

Wells Fargo Card Ser  
xxxxxxxxxxx1532  
1 Home Campus  
3rd Floor  
Des Moines, IA 50328

Wfnnb/New York & Compa  
xxxxx3819  
P.O. Box 182686  
Columbus, OH 43218